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Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

June 14<sup>th</sup>, 2020

Mayor Helps and Councilors,  
City of Victoria.

Dear Members of City of Victoria Council,

**Re: Beacon Hill Park - *Public Safety and Beacon Hill Park ecology***

The JBNA Board is asking Council to forward and approve a motion to amend ***Parks Regulation ByLaw no 07-059 (Consolidated November 8, 2017) Section 16 A part 2 (b) Overnight Shelter*** to specify Beacon Hill Park as a Park in which sheltering is not permitted. Further, we ask that the City immediately respect and enforce sections 16A(2)(b)(i)&(vii) of Regulation Bylaw no 07-059 (see Appendix "A"). This request reflects part of the JBNA April 13, 2015 request of Mayor and Council regarding Beacon Hill Park.

The rationale supporting this request can be summarised as:

- 1) The Tenting/overnighting of people in Beacon Hill Park does not solve Council's intent of providing housing for anyone in the City, the Region, the Province, or Canada, who wishes to live in the City of Victoria regardless of social or economic status.
- 2) The Beacon Hill Trust does not permit this use of the park as confirmed through the Begbie and Wilson decisions. The public expectation is that the City of Victoria, as guardian of the Park, has an obligation to honour the Trust
- 3) The park is being lost as a public amenity created to provide outdoor leisure opportunities for residents and visitors.
- 4) The Park is no longer a "safe" place for residents and visitors to enjoy as people are being verbally harassed (with some residents reporting be followed or chased), and debris including needles are creating safety issues.
- 5) Much of the park includes sensitive ecosystem areas which are being damaged with actions including trampling of rare plant species, campfires, and even the removal of a large limb from a mature tree (30-40 ft limb).

Articles in the media and statements made by Mayor Helps created a public perception that sheltering would not occur in Beacon Hill Park. (see Appendix "A"). Even when there was an earlier intention by the City to create a tent city in the south end of the Park, residents were assured that those camping would be vetted and anyone needing medical care for mental illness would not be sheltered in Beacon Hill Park. It is not good enough for Council to state that they are urging other levels of government to act.

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Over the past several weeks, JBNA has received pleas and complaints from residents of James Bay and nearby neighbourhoods. The issue is the personal safety of permanent residents when using the park, and the deterioration of the park itself. We understand from resident reports and Council meetings that Bylaw Officers have been instructed to direct those who were either not accepted into Topaz Park, or who did not want to accept housing offered by the Province, to camp in Beacon Hill Park.

Victoria, without James Bay, has an age demographic similar to the Province as a whole, whereas James Bay age demographics identify 43% of the population as being over 60 years old. This puts James Bay into a vulnerable situation regarding COVID-19 and safety in general. Our residents need to feel safe walking through Beacon Hill Park. As you are aware, James Bay is the most densely populated neighbourhood in the Region, with 12,000 residents on our small peninsula of land. Beacon Hill Park is within walking distance of James Bay, Fairfield and much of downtown. We all need the park to be accessible and a safe place to walk at all times.

Public trust has been broken. We ask that Council create and pass a motion to amend the bylaw at the upcoming Committee of the Whole meeting. Bylaw officers would then have the authority to relocate those sheltering in Beacon Hill Park, hopefully to an area either within the City or CRD which is not in the midst of residential housing, until appropriate housing is found.

Beacon Hill Park is the most central public park in the region. It is the park where the general public gathers; it is the park of relaxation and celebration. While the Province is securing Provincial parks for general use of the residents of British Columbia, residents of James Bay are becoming more and more fearful of walking in our central park.

We ask Council to take immediate action to end the growing "tent city" in Beacon Hill Park.

Sincerely,



Marg Gardiner,  
President, JBNA  
[marg.jbna@telus.net](mailto:marg.jbna@telus.net)

CC: Victoria Councillors,  
Chief Del Manak, VicPD  
Hon Carole James, MLA  
Hon Shane Simpson, Minister of Social Development and Poverty Reduction

## Appendix “A”

### ***Parks Regulation bylaw no 07-059 (Consolidated November 8, 2017)***

#### Part 3 – General Regulations 16A Overnight Shelter

##### **Overnight Shelter**

16A (1) Sub-section (2) applies despite the general prohibitions under section 14(1)(d) and section 16(1) of this Bylaw.

**(2) A homeless person must not place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:**

(a) subject to sub-section (b), except between the hours of:

(i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and

(ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,

**(b) at any time, in**

(i) a playground, sports field, footpath or road within a park,

(ii) Bastion Square,

(iii) Haegert Park,

(iv) Cridge Park,

(v) Kings Park,

(vi) Arbutus Park,

(vii) *an environmentally sensitive area*, or any area within a park that has been designated for an event or activity under a valid and subsisting permit issued under the authority of this Bylaw.

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##### ***Media Statement:***

### **Victoria won't use Beacon Hill Park as site for homeless people**

[Lindsay Kines.](#) Times Colonist. MARCH 26, 2020 06:35 PM

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##### ***Selection of Statements from Mayor Helps and Bylaw Officials:***

Mayor Helps May 12: “For people who are homeless, the only place they can stay is a tent. Until the Provincial State of Emergency is lifted, our bylaw staff have determined that they will allow people to shelter in place rather than make them take their tents down every morning at 7am. I know that this poses challenges for everyone, especially for seniors like yourself who want to get out and get some fresh air.”

CoV staff – Excerpts from responses to residents in April and May:

*“Please note that at present we do not have the authority to physically remove these individuals from the park.”*

“The Province did not include a plan for those tenting in Beacon Hill or other area parks, but we will continue to urge the Province to address all homelessness in our region. Until that time, Bylaw Services will allow people in Beacon Hill and other parks to shelter-in-place during this health emergency. This is the only manner in which this population can self isolate.”